

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF PUERTO RICO

IN RE:  
CHARLES CANDELARIA FARRULLA

CASE NO. 11-02894-ESL

CHAPTER 13

DEBTOR (S)

**TRUSTEE'S UNFAVORABLE REPORT  
ON PROPOSED PLAN CONFIRMATION UNDER §1325**

TO THE HONORABLE COURT: NOW COMES, José R. Carrión, Chapter 13 Trustee, and very respectfully alleges and prays:

This is the Trustee's position regarding the request, under **11 U.S.C. §1325**, for the confirmation of a Chapter 13 Plan.

Debtor(s)' Income: **Above Median / 60 months commitment period.** Gen Unsecured Pool: **\$0.00**

The **LIQUIDATION VALUE** of the estate has been determined in **\$0 R2016 STM. \$3,000.00**

<b>TOTAL ATTORNEYS FEES THRU PLAN: \$2,444.00   Fees paid: \$0.00   Fees Outstanding: \$2,444.00</b>
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With respect to the proposed (amended) Plan dated: **July 20, 2011** (Dkt 26). Plan Base: **10,200.00**

The proposed (amended) plan can not be confirmed because it has the following deficiencies:

- Petition Not filed in GOOD FAITH. [§1325(a)(7)]

During the creditors' meeting, Debtor said that he obtained \$50,000.00 from a loan with Banco Popular de Puerto Rico on April 2010 (one year prior to filing the bankruptcy petition) and \$10,000.00 from his mother in January 2011. In other words, Debtor obtained \$60,000.00 within a year and half prior to filing bankruptcy. Debtor must submit the bank statements that show where such amounts were deposited and evidence of the expenses for which such funds were used. Although Debtor submitted a list of such expenses, he did not submit evidence of the same. Furthermore, the bank statements provided by Debtor to the Trustee do not show such funds.

Due to the above described deficiencies in the proposed plan the Trustee Objects to the Confirmation of the same.

CERTIFICATE OF SERVICE: The Chapter 13 Trustee herewith certifies that a copy of this motion has been served via first class mail on the same date it is filed to: the DEBTOR(s), and to her/his/their attorney through CM-ECF notification system.

In San Juan, Puerto Rico this October 12, 2011.

/s/ Alexandra Rodriguez -Staff Attorney

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